

**UNITED STATES BANKRUPTCY COURT
FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In the Matter of:

FARZAD FARZAYEE
AND
TOBAH FARZAYEE

Chapter 13

Case No. 16-12551-RGM

Debtors

**MOTION TO DISMISS,
NOTICE OF MOTION TO DISMISS
AND
NOTICE OF SCHEDULED HEARING ON THIS MOTION**

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to dismiss your Chapter 13 case. The cause for this motion is as follows:

Pursuant to 11 U.S.C. §1307(c)(6) - Material default by Debtor as is reflected in the attached Trustee's Report of Receipts and Disbursements. Debtors' most recent payment was returned for insufficient funds and Debtors have failed to make the \$30,000.00 lump sum payment that was due in October 2016.

Pursuant to 11 U.S.C. §1307(c)(1) – Unreasonable delay by Debtor which is prejudicial to the rights of creditors under this Chapter 13 Plan. Debtors have been in Chapter 13 since July 25, 2016 and do not appear to be moving towards confirmation. To date they have paid in only \$500.00 in cleared funds (one subsequent payment bounced) and appear unlikely to be able to fund the amount that will be necessary under any Plan during the diminishing term remaining.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court

Notice and Motion to Dismiss

Farzad Farzayee and Tobah Farzayee, Case #16-12551-RGM

may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

Attend the hearing to be held on December 15, 2016 at 9:30 a.m., in Courtroom 1 on the 2nd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste.400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: _November 29, 2016_____

___/s/ Thomas P. Gorman_____
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 29th day of November, 2016, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss, Notice of Motion and Notice of Hearing to the following parties.

Farzad Farzayee
Tobah Farzayee
Chapter 13 Debtors
20 Curving Branch Way
Stafford, VA 22556

Christopher S. Moffitt
Attorney for Debtor
218 N. Lee Street, 3rd Floor
Alexandria, VA 22314

___/s/ Thomas P. Gorman_____
Thomas P. Gorman

INTERIM STATEMENT AS OF 11/29/2016

CASE NO: 16-12551-RGM

STATUS: BASE PLAN

DEBTOR: XXX-XX-8843

JOINT DEBTOR: XXX-XX-4897

FARZAYEE, FARZAD

FARZAYEE, TOBAH

AKA:

SCHEDULE: 500.00 MONTHLY

TOTAL PAID: 500.00

DATE FILED: 07/25/2016

20 CURVING BRANCH WAY

20 CURVING BRANCH WAY

LAST 12 TRANSACTIONS

CONFIRMED:

STAFFORD, VA 22556

STAFFORD, VA 22556

Date	Source	Amount
10/25/16	RETURNED FUNDS	(500.00) NSF
10/21/16	PC	500.00
09/20/16	PC	500.00

LATEST 341: 09/13/2016

PERCENTAGE: 1.000

ATTORNEY: CHRISTOPHER S. MOFFITT

218 N. LEE STREET, 3RD FLOOR

ALEXANDRIA, VA 22314

Phone: 703 683-0075 Fax: 703 997-8430

PLAN: 60 MONTHS

1st PAYMENT DUE: 08/2016

Needed to Complete Base:

ON SCHEDULE: 31,500.00

BASE: 60,000.00

ACTUAL PAYMENTS: 500.00

59,500.00

AMOUNT BEHIND: 31,000.00

DIRECT PAY

CLAIM	CRED NO	CREDITOR NAME	DISB CODE	CLASS	ARREARS	FIXED PAYMENT	SCHED AMOUNT	PAID BY TRUSTEE	BALANCE DUE	CLAIM STATUS
001	276245	STAFFORD COUNTY	PRO	SEC	0.00	0.00	87,489.74	0.00	0.00	DIRECT
002	344779	GUARANTEE AUTOMAXX CORP	PRO	SEC	0.00	0.00	0.00	0.00	0.00	DIRECT
003	340574	NATIONSTAR MORTGAGE	PRO	SEC	0.00	0.00	0.00	0.00	0.00	DIRECT
004	345179	STATE EMPLOYEES CREDIT UNION	PRO	SEC	0.00	0.00	0.00	0.00	0.00	DIRECT

PLAN AND FILED CLAIMS

CLAIM NO	CRED NO	CREDITOR NAME CLAIM REMARK	DISB CODE LAST DISB	CLASS PAY%	INT. BEGIN INT. RATE	FIX PAY ARREARS	ORG. CLAIM SCHED AMT	APPROVED TO BE PAID	PRIN. PAID INT. PAID	PRIN. DUE INT. DUE
001	276245	STAFFORD COUNTY	PRO	PRI	100.00	0.00	2,058.79	2,058.79	0.00	2,058.79
						0.00	2,500.00	2,058.79	0.00	0.00
005	334405	FIRST TENNESSEE BANK CL W/DRAWN BY CRED 9/26/16	PRO-I	SEC	100.00	0.00	139,781.81	0.00	0.00	Closed
						0.00	0.00	0.00	0.00	
006	AMEXP	AMERICAN EXPRESS BANK, FSB	PRO	UNS	1.00	0.00	2,776.94	2,776.94	0.00	27.77
						0.00	2,760.00	27.77	0.00	0.00
007	331149	BANK OF AMERICA	PRO	UNS	1.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	33,324.00	0.00	0.00	
008	325996	BARCLAYS BANK DELAWARE	PRO	UNS	1.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	13,323.00	0.00	0.00	
009	325996	BARCLAYS BANK DELAWARE	PRO	UNS	1.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	11,282.00	0.00	0.00	
010	310029	CAPITAL ONE	PRO	UNS	1.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	15,418.00	0.00	0.00	
011	322047	CHASE BANK	PRO	UNS	1.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	23,081.00	0.00	0.00	
012	344782	DURRETT CRUMP PLC	PRO	UNS	1.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	50,000.00	0.00	0.00	
013	344783	FARZANA SULTANI	PRO	UNS	1.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	27,000.00	0.00	0.00	
014	318496	FIRST TENESSE BANK	PRO	UNS	1.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	139,781.81	0.00	0.00	
015	344797	FIRST NATIONAL BANK OF OMAHA	PRO	UNS	1.00	0.00	12,366.47	12,366.47	0.00	123.66
						0.00	12,366.47	123.66	0.00	0.00
016	328206	KAISER PERMANENTE	PRO	UNS	1.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	2,000.00	0.00	0.00	
017	332103	CAPITAL ONE, NA KOHL'S	PRO	UNS	1.00	0.00	51.01	51.01	0.00	0.51
						0.00	2,004.00	0.51	0.00	0.00
017A	332103	CAPITAL ONE, NA	PRO	UNS	1.00	0.00	2,004.36	2,004.36	0.00	20.04
						0.00	0.00	20.04	0.00	0.00
018	327340	MACYS	PRO	UNS	1.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	924.00	0.00	0.00	

** Creditor has not filed a Proof of Claim. Accumulated funds will be released to other creditors if no claim is filed with the U.S. Bankruptcy Court by the date of the scheduled Chapter 13 Review Meeting.

Claims with an A code in the DISB/CODE column are placed on hold and need to be resolved. NO disbursements are being made to the creditor.

This is a progress report only and should not be used to calculate a payoff.

Case Maintenance 10.5

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FARZAYEE, FARZAD

FARZAYEE, TOBAH

SCHEDULE: 500.00 MONTHLY

PLAN AND FILED CLAIMS

CLAIM NO	CRED NO	CREDITOR NAME CLAIM REMARK	DISB CODE LAST DISB	CLASS PAY%	INT. BEGIN INT. RATE	FIX PAY ARREARS	ORG. CLAIM SCHED AMT	APPROVED TO BE PAID	PRIN. PAID INT. PAID	PRIN. DUE INT. DUE
019	344786	MATTRESS DISCOUNTER	PRO	UNS 1.00		0.00 0.00	0.00 4,128.00	0.00 0.00	0.00 0.00	Not Filed
020	344798	MICHAEL MIRZADA LEVEL 3 FINANCIAL, LLC	PRO	UNS 1.00		0.00 0.00	1,594,600.00 1,594,600.00	1,594,600.00 15,946.00	0.00 0.00	15,946.00 0.00
021	344798	MICHAEL MIRZADA FINANCIAL ONE, LLC	PRO	UNS 1.00		0.00 0.00	1,445,600.00 1,445,600.00	1,445,600.00 14,456.00	0.00 0.00	14,456.00 0.00
022	344798	MICHAEL MIRZADA	PRO	UNS 1.00		0.00 0.00	1,594,600.00 1,584,600.00	1,594,600.00 15,946.00	0.00 0.00	15,946.00 0.00
023	330382	NAVY FEDERAL CREDIT UNION	PRO	UNS 1.00		0.00 0.00	89,708.38 90,000.00	89,708.38 897.08	0.00 0.00	897.08 0.00
024	PORT	PORTFOLIO RECOVERY ASSOCIATES	PRO	UNS 1.00		0.00 0.00	0.00 1,832.00	0.00 0.00	0.00 0.00	Not Filed
025	327191	QUANTUM3 GROUP LLC LOWE'S, GECRB	PRO	UNS 1.00		0.00 0.00	4,122.72 4,122.72	4,122.72 41.23	0.00 0.00	41.23 0.00
026	324267	RADIOLOGIC ASSOC F'BURG	PRO	UNS 1.00		0.00 0.00	0.00 1,595.00	0.00 0.00	0.00 0.00	Not Filed
027	334104	THD/CBNA	PRO	UNS 1.00		0.00 0.00	0.00 12,413.00	0.00 0.00	0.00 0.00	Not Filed
028	344796	WALMART	PRO	UNS 1.00		0.00 0.00	0.00 3,968.00	0.00 0.00	0.00 0.00	Not Filed
029	320336	WELLS FARGO FINANCIAL BANK UNLISTED	PRO-A	UNS 1.00		0.00 0.00	4,128.82 0.00	4,128.82 41.29	0.00 0.00	41.29 0.00
799	MOFFIT	CHRISTOPHER S. MOFFITT	PRO	ATY 100.00		0.00 0.00	0.00 3,500.00		0.00	0.00 0.00
Trustee Administrative Fees								25.50	25.50	
TOTALS:						0.00	752,017.49	4,752,042.99	25.50	49,558.37
						0.00	82,123.00	49,583.87	0.00	0.00

	ADMIN	ATTORNEY	PRIORITY	SECURED	UNSECURED	OTHER		
SCHED AMOUNT:	0.00	3,500.00	2,500.00	0.00	5,076,123.00	0.00		
CLAIM AMOUNT:	0.00	0.00	2,058.79	0.00	47,499.58	0.00		
PAID BY TRUSTEE:	0.00	0.00	0.00	0.00	0.00	0.00		
PAID BY 3rd PARTY:	0.00	0.00	0.00	0.00	0.00	0.00		
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SUB TOTAL:	0.00	0.00	2,058.79	0.00	47,499.58	0.00	DUE CREDITORS:	49,558.37
INTEREST DUE:	0.00	0.00	0.00	0.00	0.00	0.00	EXPECTED ADMIN:	3,412.25
CONTINUING:	0.00	0.00	0.00	0.00	0.00	0.00	LESS AVAILABLE:	474.50
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BALANCE DUE:	0.00	0.00	2,058.79	0.00	47,499.58	0.00	APPROX BALANCE:	52,496.12

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